

## COUNTY NOTICES PURSUANT TO A.R.S. § 49-112

Because each county writes rules and regulations in its own unique style, County Notices published in the *Register* do not conform to the standards of the *Arizona Rulemaking Manual*. With the exception of minor formatting changes, the rules (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

### NOTICE OF RULEMAKING DOCKET OPENING

#### MARICOPA COUNTY AIR QUALITY DEPARTMENT

[M05-295]

1. **Title and its heading:** Maricopa County Air Pollution Control Regulations  
**Regulation and its heading:** Regulation III, Control of Air Contaminants  
**Rule and its heading:** Rule 242 - Emission Offsets Generated by The  
Voluntary Paving of Unpaved Roads  
**Section numbers:** All Sections
2. **The subject matter of the proposed rule(s):**  
Maricopa County is proposing to adopt new Rule 242 in order to meet an EPA request that offset requirements for unpaved roads in the PM -10 non- attainment area be federally enforceable.  
This rule will only affect existing sources that plan to make major modifications and new major sources that are required to offset their proposed emissions. The proposed new rule will contain a method to calculate net emissions change as well as a means to calculate vehicular traffic including vehicle miles traveled (vmt) per day. The proposed new rule will contain notification and recordkeeping provisions also.
3. **A citation to all published notices relating to this proceeding:**  
None
4. **The name and address of agency personnel with whom persons may communicate regarding the proposed rule(s):**  
Name: Patricia P. Nelson or Jo Crumbaker  
Address: 1001 North Central Avenue, Suite #695, Phoenix, AZ. 85004  
Telephone Number: 602-506-6709 or 602-506-6705  
Fax Number: 602-506-6179  
E-Mail Address: pnelson@mail.maricopa.gov or jcrumbak@mail.maricopa.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
To be announced in the Notice Of Proposed Rulemaking.
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
To be announced in the Notice Of Proposed Rulemaking.

**NOTICE OF PROPOSED RULEMAKING**  
**Pima County Air Quality Control Regulations**  
**Pima County Code**

**Title 17 – Air Quality Control**

**Chapter 12 - Permits and Permit Revisions**

[M05-274]

**PREAMBLE**

- 1. Sections Affected**

<b><u>Sections Affected</u></b>	<b><u>Rulemaking Action</u></b>
PCC 17.12.080	Amend
PCC 17.12.140	Amend
PCC 17.12.150	Amend
PCC 17.12.160	Amend
PCC 17.12.165	New
PCC 17.12.170	Amend
PCC 17.12.180	Amend
PCC 17.12.185	New
PCC 17.12.195	Amend
PCC 17.12.220	Amend
PCC 17.12.235	Amend
PCC 17.12.240	Amend
PCC 17.12.250	Amend
PCC 17.12.255	Amend
PCC 17.12.260	Amend
PCC 17.12.275	New
PCC 17.12.290	Amend
PCC 17.12.310	Amend
PCC 17.12.320	Amend
PCC 17.12.340	Amend
PCC 17.12.470	Amend
Table 17.12.540	Amend
- 2. Statutory authority for the rulemaking:**

**Authorizing Statutes:** Arizona Revised Statutes (A.R.S.) §§ 49-402, 49-473(B), 49-476.01 (A), 49-476.01 (C), 49-479, and 11-251.08(A).  
**Implementing Statutes:** A.R.S. §§ 49-480(d), 49-480(e), 49-480(J), 49-112(A), 49-112(B), 11-251.08(B)
- 3. List of all previous notices appearing in the register addressing the proposed rule or ordinance and a concise explanatory statement.**

Notice of Rulemaking Docket Opening: Arizona Administrative Register (AAR) 11:26, page 2395, June 24, 2004.
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Jean Parkinson  
Program Coordinator  
Address: Pima County DEQ  
150 W. Congress  
Tucson, AZ 85701  
Telephone: (520) 740-3978  
Fax: (520) 882-7709  
E-mail: Jean.Parkinson@deq.pima.gov
- 5. An explanation of the rule, including the Control Officer's reasons for initiating the rule:**

**Summary:** The Pima County Department of Environmental Quality (PDEQ) is proposing to change the air quality permit rules. A Class III permit category has been added. This category is for any source requiring a Class II permit

that emits, or has the potential to emit, without controls, significant quantities of regulated air pollutants. This category will be exempt from certain permit requirements, such as recordkeeping, reporting, compliance plans, and certification. Three new sections are proposed: new permit processing procedures for Class II and Class III permit, new permit content requirements for Class II and Class III permits, and procedures for a voluntary termination of a permit.

Background: The need for permit rules is based on the County's mandate to comply with state law and the federal Clean Air Act. PDEQ expects a minimal impact to consumers and the public. The rule changes will facilitate the timely issuance of air pollution control permits to further improve air quality and achieve national public health standards with appropriate permit conditions, especially for the newly designated Class III permittees.

Section-by-Section Explanation of Changes:

<u>Section</u>	<u>Action</u>	<u>Section by Section Analysis</u>
PCC 17.12.080	Amend	Change in permit posting requirements
PCC 17.12.140	Amend	Added Class III permit definition
PCC 17.12.150	Amend	Format change
PCC 17.12.160	Amend	Deleted requirements
PCC 17.12.165	New	Added Class II and III permit procedures
PCC 17.12.170	Amend	Changed sectional references
PCC 17.12.180	Amend	Changed Heading to Class I permits
PCC 17.12.185	New	Added Class II and Class III permit contents
PCC 17.12.195	Amend	Added Class III
PCC 17.12.220	Amend	Deleted Class II permits
PCC 17.12.235	Amend	Added Class III permit revisions
PCC 17.12.240	Amend	Added Class III permit procedures
PCC 17.12.250	Amend	Added Class III permit amendments
PCC 17.12.255	Amend	Added Class III minor permit revisions
PCC 17.12.260	Amend	Added Class III significant revisions
PCC 17.12.275	New	Voluntary Permit Termination of Permit
PCC 17.12.290	Amend	Deleted specific class of permits
PCC 17.12.310	Amend	Deleted specific class of permits
PCC 17.12.320	Amend	Class I, II, & III Emission Inventories
PCC 17.12.340	Amend	Class I and II public notice requirements
PCC 17.12.470	Amend	Add NESHAP Facility
Table 17.12.540	Amend	Sub-schedule D

**6. A demonstration of the grounds and evidence of compliance with A.R.S. §§49-112:**

Based on information and belief, the Control Officer of the Pima County Department of Environmental Quality affirms the following:

Pima County is in compliance with A.R.S. §49-112(A) in that Pima County Department of Environmental Quality is proposing to adopt ordinances that are not more stringent than nor are they in addition to any provisions of A.R.S. Title 49 or rules adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49.

**7. Reference to any study relevant to the rule that the Control Officer reviewed and either relied or did or did not rely on in its evaluation of or justification for the rule, where the public may review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

**8. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

Not Applicable

**9. The preliminary summary of the economic, small business, and consumer impact:**

This rulemaking is not expected to impact either short or long-term employment, production, or industrial growth in Pima County. PDEQ expects no facility closures or reductions in output due to these rule revisions. PDEQ expects a minimal impact to consumers and the general public.

PDEQ is soliciting comments on the economic impacts of this rulemaking. If you provide information or data for PDEQ to evaluate, please explain your viewpoint and the assumptions you used in you evaluation, along with

appropriate examples. PDEQ will provide a more detailed evaluation of the small business and consumer impact statement in the final rulemaking. Appropriate examples that include assumptions will be incorporated in the final economic, small business, and consumer impact evaluation.

PDEQ has considered a variety of methods to reduce the impact of this ordinance on small businesses, as prescribed by A.R.S. §§41-1035 and 41-1055(B) (5) (c). The selected method was to create a Class III permit category and establish less stringent compliance or reporting requirements, less stringent schedules or deadlines for reporting requirements, consolidation or simplification of reporting requirements, establishing performance requirements to replace design or operational standards, and exemption from some or all of the rule requirements for Class II and III permitted sources. One possible exception has already been implemented, the authority to operate under a General permit. The general permit is provided at a reduced cost to smaller sources, and these sources are not subject to the permit-processing fee.

**10. Name and address of department personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Jean Parkinson  
Program Coordinator  
Address: Pima County DEQ  
150 W. Congress  
Tucson, AZ 85701  
Telephone: (520) 740-3978  
Fax: (520) 882-7709  
E-mail: Jean.parkinson@deq.pima.gov

**11. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules and or ordinance:**

Written comments will be accepted if received between the date of this publication and **November 7, 2005 at 5:00 p.m.** Written comments may be mailed or hand delivered to the Pima County Department of Environmental Quality (see #10 above). Written comments received during the comment period will be considered formal comments to the proposed expedited rule or ordinance, and will be responded to in the notice of final rulemaking.

Stakeholder Meeting: Tuesday, November 1, 2005, 1:00 p.m.  
Location: Joel D. Valdez Library (Main Library)  
Lower Level (LL1)  
101 N. Stone Avenue  
Tucson, Arizona 85701

**12. Any other matters prescribed by the statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**13. Incorporations by reference and their location in the rules:**

All referenced incorporations provided in the text of the rule or ordinance are available for review at the Pima County Department of Environmental Quality. The state statutes: Arizona Revised Statutes, Title 49, Chapter 3 are available at the PDEQ office or at: <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp>

The federal regulations are available at the PDEQ office or at: <http://www.ecfr.gpoaccess.gov>

**14. The proposed effective date for the rule or ordinance.**

The contents of this rulemaking will go into effect thirty-one days after Board adoption. The rule or ordinance will be scheduled for a **public hearing/oral proceeding before the Board on:**

**Time: November 15, 2005 at or after 09:00 a.m.**

Place: Pima County Board of Supervisors Public Hearing Room  
130 West Congress Street, First Floor  
Tucson, Arizona 85701

**15.     The full text of the rule follows:**

**Chapter 17.12 PERMITS AND PERMIT REVISIONS**

**Sections:**

**Article I. General Provisions.**

- 17.12.010 Statutory authority.
- 17.12.020 Planning, constructing, or operating without a permit.
- 17.12.030 Sampling, testing, and analysis requirements.
- 17.12.035 Affirmative Defenses for Excess Emissions Due to Malfunctions, Startup, and Shutdown.
- 17.12.040 Reporting Requirements.
- 17.12.045 Test methods and procedures
- 17.12.050 Performance tests.
- 17.12.060 Existing source emission monitoring.
- 17.12.070 Quality assurance.
- 17.12.080 Permit display or posting.
- 17.12.085 Notice by building permit agencies.
- 17.12.090 (Reserved)
- 17.12.100 Permits for state delegated emission sources.
- 17.12.110 Grant or denial of applications.
- 17.12.120 Appeals of permit actions.
- 17.12.130 Assistance to Small Business.

**Article II. Individual Source Permits.**

- 17.12.140 Applicability; classes of permits.
- 17.12.150 Transition from installation and operating permit program to unitary permit program.
- 17.12.160 Permit application processing procedures for Class I permits.
- 17.12.165 Permit application processing procedures for Class II and Class III permits.
- 17.12.170 Public records; confidentiality.
- 17.12.180 Permit contents for Class I permits.
- 17.12.185 Permit contents for Class II and Class III permits.
- 17.12.190 Permits containing voluntarily accepted emission limitations and standards.
- 17.12.195 Establishment of an Emissions Cap.
- 17.12.200 Permit review by the EPA and affected states.
- 17.12.210 Emission standards and limitations.
- 17.12.220 Compliance plan; certification.
- 17.12.230 Facility changes allowed without permit revisions – Class I.
- 17.12.235 Facility changes allowed without permit revisions – Class II.
- 17.12.240 Procedures for certain changes that do not require a permit revision – Class II.
- 17.12.245 Administrative permit amendments.
- 17.12.250 Annual summary permit amendments for Class II permits.
- 17.12.255 Minor permit revisions.
- 17.12.260 Significant permit revisions.
- 17.12.270 Permit reopenings; revocation and reissuance; termination.
- 17.12.275 Voluntary termination of a permit.
- 17.12.280 Permit renewal and expiration.
- 17.12.290 Permit transfers.
- 17.12.300 Portable sources.
- 17.12.310 Permit shields.
- 17.12.320 Annual emissions inventory questionnaire.
- 17.12.330 Permits containing the terms and conditions of federal delayed compliance orders (DCO) or consent decrees.
- 17.12.340 Public participation.
- 17.12.350 Material permit condition.

**17.12.360 Stack height limitation.**

**17.12.365 Acid Rain.**

**Article III. General Permits for Individual Sources.**

**17.12.370 General permit enforcement.**

**17.12.380 (Reserved).**

**17.12.390 Application for coverage under general permit.**

**17.12.400 Fees related to general permits.**

**17.12.410 (Reserved).**

**17.12.420 (Reserved).**

**17.12.430 (Reserved).**

**17.12.440 (Reserved).**

**17.12.450 (Reserved).**

**17.12.460 (Reserved).**

**Article IV. Activity Permits.**

**17.12.470 Activity permits.**

**Article V. Open Burning Permits.**

**17.12.480 Open burning permits.**

**Article VI. Fees.**

**17.12.500 General provisions.**

**17.12.510 Fees related to individual permits.**

**17.12.520 (Reserved)**

**17.12.525 (Reserved)**

**17.12.530 Open burning permit fees.**

**17.12.540 Activity permit fees.**

**17.12.545 (Reserved)**

**17.12.550 (Reserved)**

**17.12.560 (Reserved)**

**17.12.570 (Reserved)**

**17.12.580 (Reserved)**

**17.12.590 (Reserved)**

**17.12.600 (Reserved)**

**17.12.610 (Reserved)**

**17.12.620 Refund of permit fees.**

**17.12.630 (Reserved)**

**17.12.640 (Reserved)**

**17.12.650 (Reserved)**

**Article I. General Provisions.**

**17.12.010 Statutory authority.**

**No Change**

**17.12.020 Planning, constructing, or operating without a permit.**

**No Change**

**17.12.030 Sampling, testing, and analysis requirements.**

**No Change**

**17.12.035 Affirmative Defenses for Excess Emissions Due to Malfunctions, Startup, and Shutdown.**

**No Change**

**17.12.040 Reporting Requirements.**

No Change

**17.12.045 Test methods and procedures.**

No Change

**17.12.050 Performance tests.**

No Change

**17.12.060 Existing source emission monitoring.**

No Change

**17.12.070 Quality assurance.**

No Change

**17.12.080 Permit display or posting.**

- A. Any person who has been granted an individual permit by PDEQ or a general permit by ADEQ shall maintain a complete copy of the permit onsite. If it is not feasible to maintain a copy of the permit onsite, the permittee may request, in writing, to maintain a copy of the permit at an alternative location. Upon written approval by the Control Officer, the permittee must maintain a complete copy of the permit at the approved alternative location (Ord. 2005 - § 1, 2005; Ord. 1994-83 § 8, 1994; Ord. 1993-128 § 3 (part), 1993; Ord. 1989-165 § 15, 1989; Ord. 1979-93 (part), 1979) ~~post such permit, or a certificate of permit issuance on location where the equipment is installed in such a manner as to be clearly visible and accessible. All equipment covered by the permit shall be clearly marked with one of the following:~~
- ~~1- The current permit number.~~
  - ~~2- A serial number or other equipment number that is also listed in the permit to identify that piece of equipment.~~
- B. ~~In the event that such machine, equipment, incinerator, device or other article is so constructed or operated that such permit cannot be so placed, the permit shall be mounted so as to be clearly visible in an accessible place within a reasonable distance of such machine, equipment, incinerator, device or other article, or maintained readily available at all times on the operating premises.~~
- C. ~~A copy of the complete permit shall be kept on site. (Ord. 1994-83 § 8, 1994; Ord. 1993-128 § 3 (part), 1993; Ord. 1989-165 § 15, 1989; Ord. 1979-93 (part), 1979)~~

**17.12.085 Notice by building permit agencies.**

No Change

**17.12.090 (Reserved).**

(Ord. 1994-83 § 10, 1994; Ord. 1993-128 § 3, 1993; Ord. 1987-175 § 9, 1987; Ord. 1979-93 (part), 1979)

**17.12.100 Permits for state delegated emission sources.**

No Change

**17.12.110 Grant or denial of applications.**

No Change

**Article II. Individual Source Permits.**

**17.12.140 Applicability; classes of permits.**

- A. No Change
- B. There shall be ~~two~~ three classes of permits as follows:
1. No Change
  2. ~~Unless a Class II permit is required, a Class II permit shall be required for:~~

- ~~a.~~ A person to commence construction of or modify ~~either of~~ the following:
- ~~(i)a.~~ Any source, including an area source, subject to a standard, limitation, or other requirement under section 111 of the Act (Standards of Performance for New Stationary Sources).
- ~~(ii)b.~~ Any source, including an area source, subject to a standard or other requirement under section 112 of the Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of the Act.
- ~~(iii)~~ ~~Any source that emits, or has the potential to emit, without controls, significant quantities of regulated air pollutants.~~
- 3. A Class III permit shall be required for a person to commence construction of or modify the following:
  - a. Any source that emits, or has the potential to emit, without controls, significant quantities of regulated air pollutants.
  - ~~(iv)b.~~ Stationary rotating machinery of greater than 325 brake horsepower.
  - ~~(v)c.~~ Fuel-burning equipment which, at a location or property other than a one or two family residence, are fired at a sustained rate of more than one million ~~BTU~~Btu per hour for more than an eight hour period.
  - ~~b.d.~~ A person to modify a source which would cause it to emit, or have the potential to emit, quantities of regulated air pollutants greater than or equal to those specified in subsection (B)(2)(a)(iii)(3)(a).

C. No Change

D. No person may construct or reconstruct any major source of hazardous air pollutants unless the control officer determines that maximum achievable control technology emission limitation (MACT) for new sources under section 112 of the Act will be met. If MACT has not been established by the Administrator, such determination shall be made on a case-by-case basis pursuant to 40 CFR 63.40 through 63.44, as incorporated by reference in 17.16.530.B. For purposes of this subsection, construction and reconstructing a major source shall have the meanings prescribed in 40 CFR 63.41. (~~Ord. 2005- § 1, 2005; Ord. 2004-97 § 3, 2004; Ord. 1998-27 § 3, 1998; Ord. 1995-87 § 11, 1995; Ord. 1994-83 § 11, 1994; Ord. 1993-128 § 3 (part), 1993~~)

**17.12.150 Transition from installation and operating permit program to unitary permit program.**

~~A.~~ A.A.C. R18-2-303 is hereby adopted in its entirety and is incorporated herein by this reference, except that all references to the "Director" shall be to the "Control Officer". (~~Ord. 2005- § 1, 2005; Ord. 1997-79 § 3, 1997; Ord. 1994-83 § 12, 1994; Ord. 1993-128, § 3 (part), 1993~~)

**17.12.160 Permit application processing procedures for Class I permits.**

- A. Unless otherwise noted, this Section applies to each source requiring a Class I ~~or H~~ permit or permit revision.
- B. Standard Application Form and Required Information. To apply for any permit in this Chapter, applicants shall complete the "Standard Permit Application Form" and supply all information required by the "Filing Instructions" as shown in Title 18, Chapter 2, Appendix 1 of the A.A.C. ~~The control officer, either upon the control officer's own initiative or on the request of a permit applicant, may waive a requirement that specific information or data be submitted in the application for a Class II, permit for a particular source if the control officer determines that the information or data would be unnecessary to determine the following:~~
  - ~~1. The applicable requirements to which the source may be subject.~~
  - ~~2. That the source is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the provisions of A.R.S. Title 49, Chapter 3, Article 3 and this title.~~
  - ~~3. The fees to which the source may be subject.~~
- ~~4.C.~~ A proposed emission limitation, control or other requirement that meets the requirements of section 17.12.220.
- ~~E.D.~~ Unless otherwise required by 17.12.150, a timely application is:
  - 1. For a source, other than a major source, applying for a permit for the first time, one that is submitted within 12 months after the source becomes subject to the permit program.
  - 2. For purposes of permit renewal, a timely application is one that is submitted at least 6 months, but not greater than 18 months prior to the date of permit expiration.



3. For initial phase II acid rain permits under Title IV of the Act and regulations incorporated pursuant to section 17.12.365, one that is submitted to the control officer by January 1, 1996, for sulfur dioxide, and by January 1, 1998, for nitrogen oxides.
4. Any existing source which becomes subject to a standard promulgated by the Administrator pursuant to section 112(d) of the Act (Hazardous Air Pollutants) shall, within twelve months of the date on which the standard is promulgated, submit an application for a permit revision demonstrating how the source will comply with the standard.

~~D-E~~ If an applicable implementation plan allows the determination of an alternate emission limit, a source may, in its application, propose an emission limit that is equivalent to the emission limit otherwise applicable to the source under the applicable implementation plan. The source shall also demonstrate that the equivalent limit is quantifiable, accountable, enforceable and subject to replicable compliance determination procedures.

~~E-F~~ A complete application is one that satisfies all of the following:

1. To be complete, an application shall provide all information required pursuant to subsection B. of this Section (standard application form section), except that applications for permit revision need supply such information only if it is related to the proposed change. A responsible official shall certify the submitted information consistent with subsection H. of this section (section on certification of truth, accuracy, and completeness).
2. An application for a new permit or permit revision shall contain an assessment of the applicability of the requirements of Chapter 17.16, Article VIII. If the applicant determines that the proposed new source is a major source as defined in section 17.04.340, or the proposed permit revision constitutes a major modification as defined in section 17.04.340, then the application shall comply with all applicable requirements of Chapter 17.16, Article VIII.
3. An application for a new permit or a permit revision shall contain an assessment of the applicability of the requirements established pursuant to A.R.S. §§ 49-426.03 and 426.06. If the applicant determines that the proposed new source permit or permit revision is subject to the requirements of A.R.S. §§ 49-426.03 or 49-426.06, the application shall comply with all applicable requirements promulgated under those sections.
4. Except for proposed new major sources or major modifications subject to the requirements of Chapter 17.16, Article VIII, an application for a new permit, a permit revision, or a permit renewal shall be deemed to be complete unless within 60 days of receipt of the application, the control officer notifies the applicant by certified mail that the application is not complete.
5. If a source wishes to voluntarily enter into an emissions limitation, control or other requirement pursuant to section 17.12.190, the source shall describe that emissions limitation, control or other requirement in its application, along with proposed associated monitoring, recordkeeping and reporting requirements necessary to demonstrate that the emissions limitation, control or other requirement is permanent, quantifiable, and otherwise enforceable as a practical matter.
6. If, while processing an application that has been determined or deemed to be complete, the control officer determines that additional information is necessary to evaluate or take final action on that application, the control officer may request such information in writing, delivered by certified mail and set a reasonable deadline for a response. Except for minor permit revisions as set forth in § 17.12.250, a source's ability to operate without a permit, as set forth in this Article, shall be in effect from the date the application is determined to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the control officer. If the control officer notifies an applicant that the application is not complete under subdivision 4 of this subsection, the application may not be deemed automatically complete until an additional 60 days after the next submittal by the applicant. The control officer may, after one submittal by the applicant pursuant to this subdivision, reject an application that is determined to be still incomplete and shall notify the applicant of the decision by certified mail. After a rejection under this subdivision, the control officer may deny or revoke an existing permit, as applicable.
7. The completeness determination shall not apply to revisions processed through the minor permit revision process.

8. Activities which are insignificant shall be listed in the application. The application need not provide emissions data regarding insignificant activities. If the control officer determines that an activity listed as insignificant is not insignificant, the control officer shall notify the applicant in writing and specify additional information required.
9. If a permit applicant requests terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements, the permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable.
10. The Control Officer is not in disagreement with a notice of confidentiality submitted with the application pursuant to A.R.S. § 49-487.

~~F-G~~ A source applying for a Class I permit that has submitted information with an application under a claim of confidentiality pursuant to A.R.S. §§ 49-432 and 17.12.170 shall submit a copy of such information directly to the Administrator.

~~G-H~~ Duty to Supplement or Correct Application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a proposed permit.

~~H-I~~ Certification of Truth, Accuracy, and Completeness. Any application form, report, or compliance certification submitted pursuant to this Title shall contain certification by a responsible official of truth accuracy, and completeness. This certification and any other certification required under this title shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

~~I-J~~ Action on Application.

1. The control officer shall issue or deny each permit according to the provisions of A.R.S. § 49-481. The control officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance.
2. In addition, a permit may be issued, revised, or renewed only if all of the following conditions have been met:
  - a. The application received by the control officer for a permit, permit revision, or permit renewal shall be complete according to subsection E of this Section.
  - b. Except for revisions qualifying as administrative or minor under §§17.12.240 and 17.12.250, all of the requirements for public notice and participation under §17.12.340 shall have been met.
  - c. ~~For Class I permits, the~~ The control officer shall have complied with the requirements of §17.12.190 for notifying and responding to affected States, and if applicable, other notification requirements of §§17.16.550.D.2. and 17.16.630.C.2.
  - d. ~~For Class I and II permits, the~~ The conditions of the permit shall require compliance with all applicable requirements.
  - e. For permits for which an application is required to be submitted to the Administrator under §17.12.190.A and to which the Administrator has properly objected to its issuance in writing within 45 days of receipt of the proposed final permit and all necessary supporting information from PDEQ, the control officer has revised and submitted a proposed final permit in response to the objection and EPA has not objected to this proposed final permit.
  - f. For permits to which the Administrator has objected to issuance pursuant to a petition filed under 40 CFR 70.8(d), the Administrator's objection has been resolved.
  - g. For a ~~Class II~~ permit that contains voluntary emission limitations, controls, or other requirements established pursuant to section 17.12.190, the Control Officer shall have complied with the requirement of subsection C of section 17.12.190 to provide the Administrator with a copy of the proposed permit.

*Arizona Administrative Register / Secretary of State*  
**County Notices Pursuant to A.R.S. § 49-112**

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3. No Change
4. No Change
5. No Change
6. No Change
7. No Change
8. No Change

~~J-K.~~ Requirement for a Permit. Except as noted under the provisions in 17.12.230 and 17.12.250, no source may operate after the time that it is required to submit a timely and complete application, except in compliance with a properly issued permit. However, if an existing source submits a timely and complete application for permit issuance, revision or renewal, the source's failure to have a permit is not a violation of this Article until the control officer takes final action on the application. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the control officer, any additional information identified as being needed to process the application. (~~Ord. 2005- § 1, 2005; Ord. 2004-97 § 3; Ord. 1998-27 § 4, 1998; Ord. 1997-79 § 4, 1997; Ord. 1995-87 § 12, 1995; Ord. 1994-83 § 13, 1994; Ord. 1993-128 § 3 (part), 1993)~~)

**17.12.165 Permit application processing procedures for Class II and Class III permits**

- A. This section applies to each source requiring a Class II or Class III permit or permit revisions.
- B. Standard Application Form and Required Information. To apply for any permit in this Chapter, applicants shall complete the "Standard Permit Application Form" and supply all information required by the "Filing Instruction" developed by the Control Officer. At a minimum an application must include the following:
1. The applicable requirements to which the source may be subject.
  2. That the source is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the provisions of A.R.S. Title 49, Chapter 3, Article 3, and this Title.
  3. The fees to which the source may be subject.
  4. A proposed emission limitation, control or other requirement that meets the requirements of section 17.12.220.
- C. Unless otherwise required by §17.12.150, a timely application is:
1. For a source, other than a major source, applying for a permit for the first time, one that is submitted within 12 months after the source becomes subject to the permit program.
  2. For purposes of permit renewal, a timely application is one that is submitted at least 6 months, but not greater than 18 months prior to the date of permit expiration.
  3. Any existing source which becomes subject to a standard promulgated by the Administrator pursuant to section 112(d) of the Act (Hazardous Air Pollutants) shall, within twelve months of the date on which the standard is promulgated, submit an application for a permit revision demonstrating how the source will comply with the standard.
- D. If an applicable implementation plan allows the determination of an alternate emission limit, a source may, in its application, propose an emission limit that is equivalent to the emission limit otherwise applicable to the source under the applicable implementation plan. The source shall also demonstrate that the equivalent limit is quantifiable, accountable, enforceable and subject to replicable compliance determination procedures.
- E. A complete application is one that satisfies all of the following:
1. To be complete, an application shall provide all information required pursuant to subsection B, of this Section (standard application form section), except that applications for permit revision need supply such information only if it is related to the proposed change. A responsible official shall certify the submitted information consistent with subsection H of this section (section on certification of truth, accuracy, and completeness).
  2. An application for a new permit, a permit revision, or a permit renewal shall be deemed to be complete unless within 60 days of receipt of the application, the Control Officer notifies the applicant by certified mail that the application is not complete.
  3. If a source wishes to voluntarily enter into an emissions limitation, control or other requirement pursuant to section 17.12.190, the source shall describe that emissions limitation, control or other requirement in its

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- application, along with proposed associated monitoring, recordkeeping, and reporting requirements necessary to demonstrate that the emissions limitation, control, or other requirement is permanent, quantifiable, and otherwise enforceable as a practical matter.
4. If while processing an application that has been determined or deemed to be complete, the control officer determines that additional information is necessary to evaluate or take final action on that application, the control officer may request such information in writing, delivered by certified mail and set a reasonable deadline for a response. Except for minor permit revisions as set forth in §17.12.250, a source's ability to operate without a permit, as set forth in this Article, shall be in effect from the date the application is determined to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the Control Officer. If the Control Officer notifies an applicant that the application is not complete under subdivision 4 of this subsection, the application may not be deemed automatically complete until an additional 60 days after the next submittal by the applicant. The Control Officer may, after on submittal by the applicant pursuant to this subdivision, reject an application that is determined to be still incomplete and shall notify the applicant of the decision by certified mail. After a rejection under this subdivision, the Control Officer may deny or revoke an existing permit, as applicable.
5. The completeness determination shall not apply to revisions processed through the minor permit revision process.
6. If a permit applicant requests terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements, the permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable.
7. The Control Officer is not in disagreement with a notice of confidentiality submitted with the application pursuant to A.R.S. §49-487.
- F. The Control Officer, either upon the Control Officer's own initiative or on the request of a permit applicant, may waive a requirement that specific information or data be submitted in the application for a particular source if the Control Officer determines that the information or data would be unnecessary to determine the sources potential emissions, applicable requirements, or air pollution control equipment effectiveness.
- G. Duty to Supplement or Correct Application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it file a complete application, but prior to release of a proposed permit.
- H. Certification of Truth, Accuracy, and Completeness. Any application form, report, or compliance certification submitted pursuant to this Title shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this Title shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- I. Action on Application.
1. The Control Officer shall issue or deny each permit according to the provisions of A.R.S. § 49-481. The Control Officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance.
2. In addition, a permit may be issued, revised, or renewed only if all of the following conditions have been met:
- a. The application received by the Control Officer for a permit, permit revision, or permit renewal shall be complete according to subsection E of this Section.
- b. Except for revisions qualifying as administrative or minor under §§17.12.240 and 17.12.250, all of the requirements for public notice and participation under 17.12.340 shall have been met.
- c. The conditions of the permit shall require compliance with all applicable requirements.

- d. For a Class II or Class III permits that contain voluntary emission limitation, controls, or other requirements established pursuant to section 17.12.190, the Control Officer shall have complied with the requirement of subsection C of section 17.12.190 to provide the Administrator with a copy of the proposed permit.
  - 3. The Control Officer may issue a notice of termination of a permit issued pursuant to this Chapter if:
    - a. The Control Officer has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.
    - b. The person applying for the permit failed to disclose a material fact required by the permit application form or the regulation applicable to the permit, of which the applicant had or should have had knowledge at the time the application was submitted.
    - c. The terms and conditions of the permit have been or are being violated.
  - 4. If the Control Officer issues a notice of denial or termination of a permit under this Section, the notice shall be served on the applicant or permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the denial or revocation and a statement that the permit applicant or permittee is entitled to a hearing.
  - 5. The Control Officer shall provide a statement that sets forth the legal and factual basis for the proposed permit conditions including references to the applicable statutory or regulatory provisions.
  - 6. The Control Officer shall take final action on each permit application (and request for revision or renewal) within eighteen months after receiving a complete application.
  - 7. A proposed permit decision shall be published within nine months of receipt of a complete application and any additional information requested pursuant to subdivision (E)(6) of this Section to process the application. The Control Officer shall provide notice of the decision as provided in §17.12.340 and any public hearing shall be scheduled as expeditiously as possible.
- J. Requirement for a Permit. Except as noted under the provision in §§17.12.230 and 17.12.250, no source may operate after the time that is required to submit a timely and complete application, except in compliance with a properly issued permit. However, if an existing source submits a timely and complete application for permit issuance, revision or renewal, the source's failure to have a permit is not a violation of this Article until the Control Officer takes final action on the application. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the Control Officer, any additional information identified as being needed to process the application. (Ord. 2005- §1, 2005)

**17.12.170 Public records; confidentiality.**

- A. The control officer shall make all permits, including all elements required to be in the permit pursuant to §§17.12.180 or 17.12.185, available to the public. No permit shall be issued unless the information required by §§17.12.180 or 17.12.185 is present in the permit.
- B. No Change
- C. Notwithstanding subsection B of this section, the following information shall be available to the public:
  - 1. The name and address of any permit applicant or permittee.
  - 2. The chemical constituents, concentrations and amounts of any emission of any air contaminant.
  - 3. The existence or level of a concentration of an air pollutant in the environment. (Ord. 2005- §1, 2005; Ord. 2004-97 § 3, Ord. 1994-83 § 14, 1994; Ord.1993-128 § 3 (part), 1993)

**17.12.180 Permit contents for Class I permits.**

- A. No Change
- B. No Change
- C. No Change.
- D. No Change
- E. No Change
- F. A class I permit issued to a major source shall require that revisions be made under 17.12.270 to incorporate additional applicable requirements adopted by the Administrator under the Act that become applicable to a source with a permit with a remaining permit term of three or more years. No reopening shall be required if the effective date of the applicable requirement is after the expiration of the permit. The revisions shall be made as expeditiously

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as practicable, but not later than eighteen months after the promulgation of such standards and regulations. Any permit revision required pursuant to this subsection shall comply with provisions in 17.12.280 for permit renewal and shall reset the five year permit term. (Ord. 2005 - §1, 2005; Ord. 2005-43 §2, 2005; Ord. 2004-97 § 3, Ord. 1998-27 § 5, 1998; Ord. 1995-87 § 13, 1995; Ord. 1994-83 § 15, 1994; Ord. 1993-128 § 3 (part), 1993)

**17.12.185 Permit contents for Class II and Class III permits.**

**A. Each permit issued shall include the following elements:**

- 1. The date of issuance and the permit term.**
- 2. Enforceable emission limitations and standards, including operational requirements and limitations that assure compliance with all applicable requirements at the time of issuance and those that have been voluntarily accepted under section 17.12.190.**
  - a. The permit shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.**
  - b. Any permit containing an equivalency demonstration for an alternative emission limit submitted under §17.12.165D shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.**
- 3. Each permit shall contain the following requirements with respect to monitoring:**
  - a. All monitoring and analysis procedures or test methods required under applicable monitoring and testing requirements, including:**
    - i. Monitoring and analysis procedures or test methods under 40 CFR 64;**
    - ii. Other procedures and methods promulgated under sections 114(a)(3) or 504(b) of the Act; and**
    - iii. Monitoring and analysis procedures or test methods required under §17.12.220.**
  - b. 40 CFR 64 as codified July 1, 2004, is incorporated by reference and on file with the control officer. This incorporation by reference contains no future editions or amendments. If more than one monitoring or testing requirement applies, the permit may specify a streamlined set of monitoring or testing provisions if the specified monitoring or testing is adequate to assure compliance at least to the same extent as the monitoring or testing applicable requirements not included in the permit as a result of such streamlining;**
  - c. If the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), monitoring that are commensurate with the size and rate of emission from each emission unit shall be established by the Control Officer. Recordkeeping provisions may be sufficient to meet the requirements of this subsection; and**
  - d. As necessary, requirements concerning the use, maintenance, and, if appropriate, installation of monitoring equipment or methods.**
- 4. With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements including recordkeeping requirements established pursuant to section 17.12.220, where applicable, for the following:**
  - a. Records of required monitoring information that includes the following:**
    - i. The date, place as defined in the permit, and time of sampling or measurements;**
    - ii. The date(s) analyses were performed;**
    - iii. The name of the company or entity that performed the analyses;**
    - iv. A description of the analytical techniques or methods used;**
    - v. The results of such analyses; and**
    - vi. The operating conditions as existing at the time of sampling or measurement.**
  - b. Retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.**
- 5. The permit shall incorporate all applicable reporting requirements including reporting requirements established under section 17.12.040 and section 17.12.190.**
- 6. A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portion of the permit.**
- 7. Provisions stating the following:**

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- a. The permittee shall comply with all conditions of the permit including all applicable requirements of A.R.S. Title 49, Chapter 3, and Pima County air quality rules. Any permit noncompliance is grounds for enforcement action; for a permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application. Noncompliance with any federally enforceable requirement in a permit is a violation of the Act.
  - b. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
  - c. The permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
  - d. The permit does not convey any property rights of any sort, or any exclusive privilege to the permit holder.
  - e. The permittee shall furnish to the Control Officer, within a reasonable time, any information that the control officer may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the control officer copies of records required to be kept by the permit. For information claimed to be confidential, the permittee shall furnish a copy of such records directly to the Administrator along with a claim of confidentiality.
8. A provision to ensure that the source pays fees to the control officer pursuant to A.R.S. §49-426(E) and Article VI of this chapter.
9. A provision stating that no permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit.
10. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the control officer. Such terms and conditions shall:
- a. Require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;
  - b. Extend the permit shield described in 17.12.310 to all terms and conditions under each such operating scenario; and
  - c. Ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of this title.
11. Terms and conditions, if the permit applicant requests them, as approved by the control officer, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:
- a. Shall include all terms required under subsections A and C of this section to determine compliance;
  - b. May extend the permit shield described in subsection D of this section to all terms and conditions that allow such increases and decreases in emissions;
  - c. Shall not include trading that involves emission units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emission trades; and
  - d. Shall meet all applicable requirements and requirements of this title.
12. Terms and conditions, if the permit applicant requests them and they are approved by the control officer, setting forth intermittent operating scenarios including potential periods of downtime. If such terms and conditions are included, the state's emissions inventory shall not reflect the zero emissions associated with the periods of downtime.
13. Upon request of a permit applicant, the Control Officer shall issue a permit that contains terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The Control Officer shall not include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements. Changes made under this paragraph shall not include modifications under any provision of Title I of

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the Act and may not exceed emissions allowable under the permit. The terms and conditions shall provide for logging that conforms to 17.12.240 (B) (5). In addition, the notices shall describe how the increases and decreases in emissions will comply with the terms and conditions of the permit.

14. Other terms and conditions as are required by the Act, A.R.S. Title 49, Chapter 3, Articles 1, 2 and 3 and the rules adopted in Title 17.

**B. Federally Enforceable Requirements**

1. The following permit conditions shall be enforceable by the Administrator and citizens under the Act:
  - a. Terms or conditions in a Class II permit setting forth federal applicable requirements; and
  - b. Terms and conditions in any permit entered into voluntarily pursuant to section 17.12.190, as follows:
    - i. Emissions limitations, controls or other requirements; and
    - ii. Monitoring, recordkeeping and reporting requirements associated with the emissions limitations, controls or other requirements in subsection (B)(1)(c)(i).
2. Notwithstanding subsection (B)(1)(a), the Control Officer shall specifically designate as not being federally enforceable under the Act any terms and conditions included in a permit that are not required under the Act or under any of its applicable requirements.

**C. Each permit shall contain a compliance plan that meets the requirements of 17.12.310.**

**D. Emergency provision.**

1. An "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God that require immediate corrective action to restore normal operation and that causes the sources to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emission attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.
2. An emergency constitutes an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the conditions of subsection (E) (3) are met.
3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An emergency occurred and that the permittee can identify the cause or causes of the emergency;
  - b. At the time of the emergency, the permitted facility was being properly operated;
  - c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
  - d. The permittee submitted notice of the emergency to the control officer by certified mail or hand delivery within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective action taken.
4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

**E. A class I permit issued to a major source shall require that revisions be made under 17.12.270 to incorporate additional applicable requirements adopted by the Administrator under the Act that become applicable to a source with a permit with a remaining permit term of three or more years. No reopening shall be required if the effective date of the applicable requirement is after the expiration of the permit. The revisions shall be made as expeditiously as practicable, but not later than eighteen months after the promulgation of such standards and regulations. Any permit revision required pursuant to this subsection shall comply with provisions in 17.12.280 for permit renewal and shall reset the five year permit term. (Ord. 2005- §1, 2005)**

**17.12.190 Permits containing voluntarily accepted emission limitations and standards.**

**No Change**

**17.12.195 Establishment of an Emissions Cap.**

**A. No Change**



- B. An emissions cap for a Class II or Class III source that limits the emissions of a particular pollutant for the entire source shall not exceed any of the following:
1. The applicable requirement for the pollutant if expressed in tons per year;
  2. The source's actual emissions plus the applicable significance level for the pollutant established in 17.04.340 (208);
  3. The applicable major source threshold for the pollutant; or
  4. A sourcewide emission limitation for the pollutant voluntarily agreed to by the source under 17.12.190.
- C. No Change
- D. Class I sources shall log an increase or decrease in actual emissions authorized as a trade under an emissions cap unless an applicable requirement requires notice to the Control Officer. The log shall contain the information required by the permit including, at a minimum, when the proposed emissions increase or decrease occurred, a description of the physical change or change in method of operation that produced the increase or decrease, the change in emissions from the physical change or change in method of operation, and how the increase or decrease in emissions complies with the permit. Class II and Class III sources shall comply with 17.12.240 (B) (5).
- E. The Control Officer shall not include in an emissions cap or emissions trading allowed under a cap any emissions unit for which the emissions are not quantifiable or for which there are no replicable procedures or practical means to enforce emissions trades. (Ord. 2005- § 1, 2005; Ord. 2005-43 § 2, 2005)

**17.12.200 Permit review by the EPA and affected states.**

**No Change**

**17.12.210 Emission standards and limitations.**

**No Change**

**17.12.220 Compliance plan; certification.**

- A. All Class I ~~and II~~ permits shall contain the following elements with respect to compliance:
1. No Change.
  2. No Change
  3. No Change
  4. No Change
  5. No Change
  6. No Change
  7. If there is a Federal Implementation Plan (FIP) applicable to the source, a provision that compliance with the FIP is required. (Ord. 2005- §1, 2005; Ord. 2005-43 §2, 2005; Ord. 2004-97 § 3, Ord. 1998-27 § 7, 1998; Ord. 1995-87 § 14, 1995; Ord. 1994-83 § 17, 1994; Ord. 1993-128 § 3 (part), 1993)

**17.12.230 Facility changes allowed without permit revisions – Class I.**

**No Change**

**17.12.235 Facility Changes that Require a Permit Revision – Class II or Class III.**

- A. The following changes at a source with a Class II or Class III permit shall require a permit revision:
1. No Change
  2. No Change
  3. No Change
  4. No Change
  5. No Change
  6. No Change
  7. No Change
  8. No Change
  9. No Change

10. A change that relaxes monitoring, recordkeeping, or reporting requirements, except when the change results:
  - a. From removing equipment that results in a permanent decrease in actual emissions, if the source keeps on-site records of the change in a log ~~that satisfies Appendix 3 of this Chapter~~ and if the requirements that are relaxed are present in the permit solely for the equipment that was removed; or
  - b. From a change in an applicable requirement.
- B. A source with a Class II or Class III permit may make any physical change or change in the method of operation without revising the source's permit unless the change is specifically prohibited in the source's permit or is a change described in subsection (A). A change that does not require a permit revision may still be subject to requirements in 17.12.245. (Ord. 2005- §1, 2005; Ord. 2005-43 § 2, 2005)

**17.12.240 Procedures for Certain Changes that do not Require a Permit Revision - Class II or Class III**

- A. Except for a physical change or change in the method of operation at a Class II or Class III source requiring a permit revision under 17.12.235, or a change subject to logging or notice requirements in subsection (B) or (C), a change at a Class II or Class III source shall not be subject to revision, notice, or logging requirements under this Chapter.
- B. No Change
- C. No Change.
- E. No Change
- F. No Change
- G. No Change
- H. No Change
- I. A copy of all logs required under subsection (B) shall be filed with the Control Officer within 30 days after each anniversary of the permit issue date. If no changes were made at the source requiring logging, a statement to that effect shall be filed instead.
  1. No Change
  2. Logs shall be kept for five years from the date created. Logging shall be performed in indelible ink in a bound log book with sequentially numbered pages, or in any other form, including electronic format, approved by the Control Officer. (Ord. 2005- §1, 2005; Ord. 2005-43 § 2, 2005)

**17.12.245 Administrative permit amendments.**

No Change

**17.12.250 Annual summary permit amendments for Class II or Class III permits.**

The Control Officer may amend any Class II or Class III permit annually without following §17.12.270 in order to incorporate changes reflected in logs or notices filed under §17.12.240. The amendment shall be effective to the anniversary date of the permit. The Control Officer shall make available to the public for any source:

1. A complete record of logs and notices sent to the Department under §17.12.240; and
2. Any amendments or revisions to the source's permit. (Ord.2005- §1, 2005; Ord.2005-43 §2, 2005)

**17.12.255 Minor permit revisions.**

- A. No Change
- B. Minor permit provision procedures shall be used for the following changes at a Class II or Class III source:
  1. No Change
  2. No Change
  3. No Change
  4. No Change
  5. No Change
  6. No Change
- C. No Change
- D. No Change

- E. No Change
- F. The control officer shall follow the following timetable for action on an application for a minor permit revision:
  - 1. No Change
  - 2. Within 60 days of the control officer's receipt of an application for a revision of a Class II or Class III permit under this Section; the control officer shall do one or more of the following:
    - a. Issue the permit revision as proposed;
    - b. Deny the permit revision application;
    - c. Determine that the permit revision does not meet the minor permit revision criteria and should be reviewed under the significant revision procedures pursuant to 17.12.260; or
    - d. Revise and issue the proposed permit revision.
- G. No Change
- H. No Change
- I. Notwithstanding any other part of this section, the control officer may require a permit to be revised under 17.12.260 for any change that, when considered together with any other changes submitted by the same source under this section or 17.12.240 over the life of the permit, do not satisfy subsection (A) for Class I sources or subsection (B) for Class II or Class III sources.
- J. The control officer shall make available to the public monthly summaries of all applications for minor revisions. (Ord. 2005- §1, 2005; Ord. 2005-43 §2, 2005; Ord. 1998-27 § 10, 1998; Ord. 1994-83 § 21, 1994; Ord. 1993-128 § 3 (part), 1993)

**17.12.260 Significant permit revisions.**

- A. No Change
- B. A source with a Class II or Class III permit shall make the following changes only after the permit is revised following the public participation requirements of 17.12.340:
  - 1. Establishing or revising a voluntarily accepted emission limitation or standard as described by §§17.12.190 or 17.12.195, except a decrease in the limitation authorized by §17.12.255;
  - 2. Making any change in fuel not authorized by the permit and that is not fuel oil or coal, to natural gas or propane;
  - 3. A change to or addition of an emissions unit not subject to an emissions cap that will result in a net emission increase of a pollutant greater than the significance level in 17.04.340 (~~203211~~);
  - 4. A change that relaxes monitoring, recordkeeping, or reporting requirements, except when the change results from:
    - a. Removing equipment that results in a permanent decrease in actual emissions, if the source keeps on-site records of the change in a log ~~that satisfies Appendix 3 of this Chapter~~ and if the requirements that are relaxed are present in the permit solely for the equipment that was removed; or
    - b. A change in an applicable requirement.
  - 5. A change that will cause the source to violate an existing applicable requirement including the conditions establishing an emissions cap;
  - 6. A change that will require any of the following:
    - a. A case-by-case determination of an emission limitation or other standard;
    - b. A source-specific determination of ambient impacts, or a visibility or increment analysis; or
    - c. A case-by-case determination of a monitoring, recordkeeping, and reporting requirement.
  - 7. A change that requires the source to obtain a Class I permit.
- C. No Change
- D. No Change
- E. Notwithstanding §17.12.160(E)(1), when an existing source applies for a significant permit revision to revise its permit from a Class II or Class III permit to a Class I permit, it shall submit a Class I permit application for the entire source in accordance with §17.12.160(B). The control officer shall issue the entire permit, and not just the portion

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being revised, in accordance with Class I permit content and issuance requirements, including requirements for public, affected state, and EPA review, contained in sections 17.12.200 and 17.12.340.

- F. The control officer shall process the majority of significant permit revision applications received each calendar year within 9 months of receipt of a complete permit application but in no case longer than 18 months. Applications for which the Control Officer undertakes accelerated processing under section 17.12.510 shall not be included in this requirement. (Ord. 2005- § 1, 2005; Ord. 2005-43 § 2, 2005; Ord. 1998-27 § 11, 1998; Ord. 1997-79 § 6, 1997; Ord. 1994-83 § 22, 1994; Ord. 1993-128 § 3 (part), 1993)

**17.12.270 Permit reopenings; revocation and reissuance; termination.**

**No Change**

**17.12.275 Voluntary termination of a permit.**

Except for a Class I permit, a permittee may voluntarily request that a permit issued under this Title be terminated.

- A. The request for a permit termination shall be completed on a form provided by the control officer.
1. A responsible official shall certify the truth and accuracy of the submitted form.
  2. The "Notice of Intent to Terminate the Permit" shall set forth the specific reason and timeline for the termination by the permittee.
  3. The submittal of the "Notice of Intent to Terminate the Permit" by a facility does not halt the applicability of any permit condition or any applicable requirement of this Title.
- B. The control officer may approve a "Notice of Intent to Terminate the Permit," if the source has paid all applicable fees, and is in compliance with all applicable requirements of this Title.
1. Termination of a permit does not relieve a source of any applicable fees.
  2. The control officer will transmit the approval or denial of the "Notice of Intent to Terminate the Permit" by certified mail, with a return receipt requested.
- C. Notices issued under this section may not be appealed under A.R.S. §§49-471.01 or 49.482. (Ord. 2005- § 1, 2005)

**17.12.280 Permit renewal and expiration.**

**No Change**

**17.12.290 Permit transfers.**

- A. Except as provided in A.R.S. §49-483 and subsection B of this section, a ~~Class I or II~~ permit may be transferred to another person if:
1. No Change
  2. The new owner gives notice of the following to the control officer in writing at least thirty days before the proposed transfer:
    - a. The name and title of the individual within the organization who is accepting responsibility for the permit along with a signed statement by that person indicating such acceptance.
    - b. A description of the equipment to be transferred.
    - c. A written agreement containing a specific date for transfer or permit responsibility, coverage, and liability between the current and new permittee.
    - d. Provisions for the payment of any fees pursuant to Chapter 17.12, Article VI that will be due and payable before the effective date of transfer.
    - e. Sufficient information about the source's technical and financial capabilities of operating the source to allow the control officer to make the decision in subsection B of this section including:
      - ~~(i)~~i. The qualifications of each person principally responsible for the operation of the source.
      - ~~(ii)~~ii. A statement by the chief financial officer of the new permittee that it is financially capable of operating the facility in compliance with the law, and the information that provides the basis for that statement.
      - ~~(iii)~~iii. A brief description of any action for the enforcement of any federal or state law, rule or regulation, or any county, city or local government ordinance relating to the protection of the

environment, instituted against any person employed by the new permittee and principally responsible for operating the facility during the five years preceding the date of application. In lieu of this description, the new permittee may submit a copy of the certificate of disclosure or 10-k form required under A.R.S. §49-109, or a statement that this information has been filed in compliance with A.R.S. §49-109.

- B. No Change
- C. No Change
- D. The control officer shall make available to the public monthly summaries of all notices received under this section. (Ord. 2005- § 1, 2005; Ord. 1994-83 § 24, 1994; Ord. 1993-128 § 3 (part), 1993)

**17.12.300 Portable sources.**

**No Change**

**17.12.310 Permit shields.**

- A. Each ~~Class I or II~~ permit issued under this chapter shall specifically identify all federal, state, and local air pollution control requirements that apply to the source at the time the permit is issued. The permit shall state that compliance with the conditions of the permit shall be deemed compliance with any applicable requirement identified in the permit as of the date of permit issuance, provided that such applicable requirements are included and expressly identified in the permit. The control officer may include in a permit determination that other requirements specifically identified are not applicable. Any permit under this Chapter that does not expressly state that a permit shield exists shall not provide such a shield.
- B. No Change
- C. In addition to the provisions of 17.12.270, a permit may be reopened by the control officer and the permit shield revised when it is determined that standards or conditions in the permit are based on incorrect information provided by the applicant. (Ord. 2005- § 1, 2005; Ord. 1994-83 § 26, 1994; Ord. 1993-128 § 3 (part), 1993)

**17.12.320 Annual emissions inventory questionnaire.**

- A. Every source ~~subject to a permit requirement under this chapter~~ with a Class I permit shall complete and submit to the control officer an annual emissions inventory questionnaire. The questionnaire is due by March 31, or 90 days after the control officer makes the inventory form available, whichever occurs later, and shall include emission information for the previous calendar year. These requirements apply whether or not a permit has been issued and whether or not a permit application has been filed. Sources with a Class II or Class II permit shall complete an annual emission inventory questionnaire when requested by the Control Officer. The questionnaire is due 90 days after the Control Officer makes a written request and shall include emission information for the previous calendar year.
- B. No Change
- C. No Change
- D. No Change
- E. No Change
- F. The control officer may require submittal of supplemental emissions inventory questionnaires for air contaminants pursuant to A.R.S. §49-476.01. (Ord. 2005- § 1, 2005; Ord. 1995-87 § 18, 1995; Ord. 1994-83 § 27, 1994; Ord. 1993-128 § 3 (part), 1993)

**17.12.330 Permits containing the terms and conditions of federal delayed compliance orders (DCO) or consent decrees.**

**No Change**

**17.12.340 Public participation.**

- A. No Change
- B. No Change

- C. The control officer shall provide notice required pursuant to subsection A of this section, or any other section of this title, as follows:
1. The control officer shall publish the notice once each week for two consecutive weeks for any Class I or Class II permit in two newspapers of general circulation in the county where the source is or will be located.
  2. The control officer shall mail a copy of the notice to persons on a mailing list developed by the control officer consisting of those persons who have requested in writing to be placed on such a mailing list.
- D. No Change
- E. No Change
- F. No Change
- G. The control officer shall provide at least 30 days from the date of its first notice for an opportunity for public comment for every Class I and Class II permit. For a source required to obtain a permit pursuant to §17.12.140.B.3.a., the Control Officer shall provide at least 30 days from the date of its first notice for an opportunity for public comment. For sources required to obtain a permit pursuant to §17.140.B.3.b or 17.12.140.B.3.c., the Control Officer shall provide at least 5 days from the date of its first notice for an opportunity for public comment. The control officer shall keep a record of the commenters and of the issues raised during the public participation process and shall prepare written responses to all comments received. At the time a final decision is made, the record and copies of the control officer's responses shall be made available to the applicant and all commenters. (Ord. 2005-§ 1, 2005; Ord. 1994-83 § 28, 1994: Ord. 1993-128 § 3 (part), 1993)

**17.12.345 Public notification.**

No Change

**17.12.360 Stack height limitation.**

No Change

**17.12.365 Acid Rain.**

No Change

**17.12.390 Application for coverage under general permit.**

No Change

**17.12.400 Fees Related to General Permits.**

No Change

**17.12.410 (Reserved)**

(Ord. 1994-83 § 35, 1994: Ord. 1993-128 § 3 (part), 1993)

**17.12.420 (Reserved)**

(Ord. 1994-83 § 36, 1994: Ord. 1993-128 § 3 (part), 1993)

**17.12.430 (Reserved)**

(Ord. 1994-83 § 37, 1994: Ord. 1993-128 § 3 (part), 1993)

**17.12.440 (Reserved)**

(Ord. 1994-83 § 38, 1994: Ord. 1993-128 § 3 (part), 1993)

**17.12.450 (Reserved)**

(Ord. 1994-83 § 39, 1994: Ord. 1993-128 § 3 (part), 1993)

**17.12.460 (Reserved)**

(Ord. 1994-83 § 40, 1994: Ord. 1993-128 § 3 (part), 1993)

**Article IV. Activity Permits.**

**17.12.470 Activity permits.**

- A. Except as exempted in Table 17.12.540, no person shall conduct, cause or allow land stripping, earthmoving, blasting (except blasting associated with an individual source permit issued for mining), trenching or road construction, or commence demolition or renovation of any ~~structure~~ NESHAP facility without first obtaining an activity permit from the control officer.
- B. No Change
- C. No Change
- D. No Change
- E. No Change
- F. Sources are not required to obtain an activity permit pursuant to this section for activities involving asbestos cement pipe; however, such sources shall comply with all other local, state and federal requirements applicable to such materials (Ord. 2005- § 1, 2005; Ord. 2002-108§1, 2002; Ord. 1999-11 § 1 (part), 1999, Ord. 1995-87 § 21, 1995; Ord. 1994-83 § 41, 1994: Ord. 1993-128 § 3 (part), 1993); Ord. 1987-75 § 5 (part), 1987)

**Table 17.12.540**

**ACTIVITY PERMIT FEES SCHEDULE (effective July 1, 2003)**

S.S. <sup>1</sup>	ACTIVITY	RATE COMPONENTS	EXEMPTIONS
A	Landstripping and/or Earthmoving	1-2 Acres \$100.00 >2-10 Acres \$500.00 >10-40 Acres \$1,500.00 >40+ Acres \$3,000.00	< 1 Acre
B	Trenching	300-500 Ft. \$75.00 501-1500 Ft. \$200.00 1501-5000 Ft. \$400.00 5001+ Ft. \$800.00	< 300 Ft., Trenching for Landscaping
C	Road Construction	50-1000 Ft. \$50.00 1001-3000 Ft. \$250.00 3001-6000 Ft. \$500.00 6001+ Ft. \$1000.00	< 50 Ft.
D	<del>Activity Permit for NESHAP Facilities</del> Demolition or Renovation of NESHAP Facility	\$420.00	See Exemption Note
E	Blasting	\$18.00 plus \$3.53 per day of blasting	None

**Exemption Note:**

< 260 linear feet on pipes;  
< 160 square feet on other facility components;  
< 35 cubic feet off facility components

<sup>1</sup>Sub-schedule for identification only.

(Ord. 2005- § 1, 2005; Ord. 2002-108 §2, 2002; Ord. 1995-87 §26, 1995; Ord. 1994-83 §44, 1994; Ord. 1993-128 §3 (part), 1993; Ord. 1990-113 §16, 1990; Ord. 1989-165 §17 (part), 1989; Ord. 1987-175 §18, 1987)